

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ROBERT W. DURHAM,)	
)	
Plaintiff,)	
)	
)	CASE NO. 3:13-0907
vs.)	JUDGE CAMPBELL/KNOWLES
)	
)	
CITY OF CLARKSVILLE, TN,)	
)	
Defendant.)	

ORDER

The undersigned previously submitted a Report and Recommendation recommending that this action be dismissed for insufficient service of process. Docket No. 19. Plaintiff filed Objections to the Report and Recommendation. Docket No. 22. Judge Campbell has entered an Order stating in part:

In light of the Objections of the Plaintiff, the Report and Recommendation is rejected, and this case is referred to the Magistrate Judge to rule on the pending Motion to Amend Complaint and to allow another opportunity for Plaintiff to make proper service of process of the original Complaint or the Amended Complaint (if allowed) upon Defendant.

Docket No. 23.

The instant Order will address the pending Motion to Amend (Docket Nos. 16, 16-1).

The pro se Plaintiff previously filed a “Motion for Leave to Amend Complaint.” Docket No. 16. With that Motion, Plaintiff also filed a document headed “Motion to Amend Complaint.” Docket No. 16-1. Defendant filed a Response in Opposition to both Motions. Docket No. 18.

Defendant's main objections to the Motions are that: (1) Plaintiff failed to attach a proposed Amended Complaint, (2) Plaintiff failed to file Memoranda of Law in violation of the Local Rules, and (3) Plaintiff's proposed amendments would be futile.

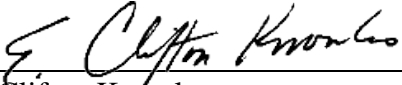
In view of the liberal pleading standards of Fed. R. Civ. P. 15 and the pro se status of Plaintiff, the instant Motion for Leave to Amend Complaint (Docket No. 16) is GRANTED.

Defendant is correct, however, that the "Motion to Amend Complaint" (Docket No. 16-1) is not, in and of itself, an Amended Complaint, nor is the "Summation" section of that document. Moreover, in that document, Plaintiff requests that "the foregoing amendments be added to his Complaint" The Court believes that Defendant should have proper notice of Plaintiff's claims in a single document, rather than having to mesh the original Complaint with an Amended Complaint.

Therefore, Plaintiff shall file a separate Amended Complaint containing his allegations and claims against Defendant. That Complaint shall be complete in and of itself, and shall not incorporate other documents by reference. Plaintiff shall file his Amended Complaint on or before June 16, 2014.

Pursuant to Judge Campbell's Order (Docket No. 23), Plaintiff will be allowed another opportunity to make proper service of the Amended Complaint upon Defendant. Plaintiff shall effect proper service of the Amended Complaint upon Defendant on or before July 7, 2014.

IT IS SO ORDERED.



E. Clifton Knowles
United States Magistrate Judge